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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 14 – 0567 RMW
Plaintiff,)	STIPULATION AND PROPOSED ORDER
v.)	SAN JOSE VENUE
ROBERT GARY TOLTZIS,)	
Defendant.)	

WHEREAS, the Court has set a status and setting hearing for Monday, June 29, 2015, at 9:00 a.m. before the Honorable Ronald M. Whyte;

WHEREAS, the defense is continuing to review the discovery provided by the United States pursuant to the terms of the Protective Order entered by this Court as well as to investigate the matters alleged in the Indictment, in order to effectively prepare;

WHEREAS, the parties believe that a short continuance of four weeks will allow the parties sufficient time to assess the time needed for additional discovery and investigation relative to the setting of dates for any motions as well as a trial of this action;

STIPULATION AND ~~PROPOSED~~ ORDER

WHEREAS, the parties understand that **Monday, July 27, 2015, at 9:00 a.m.**, is an available date on this Court's calendar;

THEREFORE, the parties mutually request and stipulate that the status and setting hearing in this matter be continued to **Monday, July 27, 2015, at 9:00 a.m.**, and further jointly stipulate and agree that time should be excluded from June 29, 2015, up to and including July 27, 2015. The parties agree that excluding time until July 27, 2015, is necessary, given the need for effective preparation of counsel. The parties also agree that failing to grant a continuance would deny counsel for the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7). Finally, the parties agree that the ends of justice served by excluding time from June 29, 2015, until July 27, 2015, outweigh the best interest of the public and the defendant in a speedy trial. *Id.*

IT IS SO STIPULATED.

DATED: June 22, 2015

Respectfully submitted,

MELINDA HAAG
United States Attorney

/s/
TIMOTHY J. LUCEY
Assistant United States Attorney

DATED: June 22, 2015

Respectfully submitted,

/s/
RICHARD POINTER
ALBIE JACHIMOWICZ
Attorneys for Defendant
RICHARD GARY TOLTZIS

IT IS SO ORDERED.

DATED: ~~June 22, 2015~~


HON. RONALD M. WHYTE
United States District Court